

Exhibit 20

Subject: Re: Permit 2-02, Mark Sanders (Westpoint Marina)

Date: Tuesday, August 31, 2004 11:52 AM

From: Andrea Gaut <andreag@bcdcd.ca.gov>

To: Brad McCrea <bradm@bcdcd.ca.gov>, Jonathan Smith <jons@bcdcd.ca.gov>, Steve McAdam <stevem@bcdcd.ca.gov>, Bob Batha <bobb@bcdcd.ca.gov>

Cc: Adrienne Klien <adriennek@bcdcd.ca.gov>

I have cc'ed Adrienne. I believe this may be a monitoring issue? Or whose responsibility is this?

On 8/30/04 5:02 PM, "Brad McCrea" <bradm@bcdcd.ca.gov> wrote:

> It is my experience that general contractors tend to take site visits and
> reviews seriously. At some point along the way, we should reach out and
> contact the general contractor and educate him or her about what stages of
> construction are very important to us.

>

>

> On 8/30/04 4:39 PM, "Andrea Gaut" <andreag@bcdcd.ca.gov> wrote:

>

>> Yes, I would suggest prior to the actual pouring of the foundation. I do not
>> trust them to do it after the foundation is poured. As I have said many
>> times, I don't trust this guy. But if we allow this, we are going to have to
>> watch him like crazy to see what progress is being made and ensure they have
>> not poured the foundation or we could have another Todd Dworman.

>>

>> Jon, I should be able to tell you whether a particular area is floating or
>> pile-supported. I bet I know the area you have questions about.

>>

>> Andrea

>>

>> On 8/30/04 3:56 PM, "Jon Smith" <jons@bcdcd.ca.gov> wrote:

>>

>>> I assume that this means we can eliminate prior to any excavation. Howe
>>> about checking when stakes or other markers showing where foundations will
>>> go but prior to actual pouring of foundations?

>>>

>>> Jon

>>>

>>>

>>> On 8/30/04 3:52 PM, "Steve McAdam" <stevem@bcdcd.ca.gov> wrote:

>>>

>>>> We typically require the pa guarantee prior to construction because once
>>>> the

>>>> foundations have been put in, it is much harder to deal with violations
>>>> resulting from work occurring in pa dedicated areas. In some cases,
>>>> particularly when new land is being created, we have let permittees prepare
>>>> the dedication document after the work occurs. I think that we could allow
>>>> them to do the filling, but not the foundation work. The conceptual plans
>>>> clearly show where we required public access. Andrea, what do you think?

>>>>

>>>> .On 8/30/04 3:27 PM, "Jon Smith" <jons@bcdcd.ca.gov> wrote:

>>>>

>>>>> Andrea, Bob, Brad, and Steve,

>>>>>

>>>>> I am working on the public access agreement for Permit No.2-02, Mark
>>>>> Sanders, Westpoint Marina. I just finished speaking with his attorney,
>>>>> Kent

>>>> Mitchell.

>>>>

>>>> Mitchell submitted a draft legal description on March 1, to which I
>>>> responded on March 5. Mitchell did not respond thereafter.

>>>>

>>>> My response pointed out that the legal description did not include all
>>>> of the areas required for public access.

>>>>

>>>> Mitchell stated that the project site is still essentially a big hole.
>>>> The fill that was excavated to create the basin ("the big hole") has been
>>>> moved upland and will eventually constitute the base material on which the
>>>> buildings will be constructed. The material must dry out and be
>>>> sufficiently
>>>> strong before construction can begin. It may not be until next May, 2005,
>>>> when this work can begin. Also, the marina itself has not been built.

>>>>

>>>> Mitchell states that it will be difficult to know precisely where the
>>>> buildings and therefore exactly where the public access will be located,
>>>> at
>>>> least for purposes of surveying and describing the areas legally, until
>>>> building foundations have been constructed. He would prefer not having to
>>>> submit a public access agreement with legal descriptions until this stage
>>>> is
>>>> complete.

>>>>

>>>> Additionally, he wanted to know if any of the floating docks are
>>>> required for public access. Exhibit A to the permit shows the piers
>>>> associated with the marina slips as not being required for public access.
>>>> However, there is a single area that might be a floating dock that is
>>>> required for public access. Andrea and Brad, can you tell me if I show you
>>>> the exhibit whether it is floating or fixed?

>>>>

>>>> In either case, can we agree to amend the permit to require the
>>>> submittal of a public access agreement at some later stage of the project,
>>>> such as prior to occupancy, or prior to installation of building
>>>> foundations, rather than the current requirement of prior to the
>>>> commencement of any grading or construction on phase one of the project?

>>>>

>>>> Should we meet to discuss this? I would like to get back to Sanders
>>>> fairly soon. Should we wait until Bob returns from vacation in a week?

>>>>

>>>>

>>>>

>>>>

Jon

>

>